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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/554,733	05/19/2000	LEO MANS	30098.4	2996

30678 7590 06/17/2004

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EXAMINER

WACHTEL, ALEXIS A

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/554,733

Applicant(s)

MANS ET AL.

Examiner

Alexis Wachtel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 6-21 is/are allowed.
- 6) ☐ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by WO 97/42259 to Chevalier et al as set forth in the previous office action.

Response to Arguments

2. According to the Applicant, the sponge cloth obtained by an amine oxide process and the spongecloth disclosed by Chevalier do not have the same properties. In particular, the Applicant has pointed out that differences in the densities of Applicant's spongecloth and the prior art's sponge cloth provides sufficient evidence that Applicant's amine oxide process yields a spongecloth that is structurally dissimilar to that of the prior art. Thus, according to Applicant, Chevalier does not anticipate claims 1-5 since the prior art does not contemplate the use of an amine oxide process as claimed by Applicant. However, the Applicant's arguments are not commensurate in scope with the claimed subject matter since the claim language fails to include a specific density recitation. Additionally, Applicant's sponge cloth making process is not limited to any specific density. It is well recognized in the sponge art as a whole that sponge cloth structural parameters/properties such as density, basis weight and thickness are easily optimized and/or altered through the use of differing amounts of cellulosic raw material, varying amounts of blowing agent as well as varying amounts of pressure in the cellulosic dough mold. Interestingly, Applicant's data is in full agreement with the Examiner's reasoning. In particular, a sponge cloth made in accordance with the parameters set forth in Example 1 of Applicant's disclosure utilizes 30 kg of NaCl poreformer to obtain a spongecloth with a basis weight of 263 g/m² and a density of

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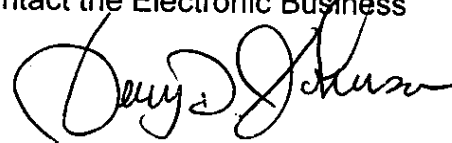
109.6 kg/m³. Example 2 utilizes process parameters which differ only in the use of 25kg of NaCl poreformer rather than 30kg as in Example 1. The resultant spongecloth has a basis weight of 380 g/m² and a density of 135.7 kg/m³. From Applicant's own data, it is abundantly clear that adjusting the amount of NaCl poreformer used will alter the density and basis weight of the resulting spongecloth. As a result, Applicant's reliance on differences in the basis weights/densities of the spongecloths of the prior art and instant invention in order to demonstrate structural differences between Applicant's and prior art's articles that are allegedly the inherent result of using an amine oxide process by Applicant is not found to be persuasive.

Allowable Subject Matter

3. Claims 6-21 are allowable. The following is a statement of reasons for the indication of allowable subject matter: No prior art was found to each or suggest that NMMO can be used to precipitate the cellulose.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Wachtel whose telephone number is 571-272-1455. The examiner can normally be reached on 10:30am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenn Caldarola, can be reached at (571)-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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